

1 (2) Adjacent to the Florida Keys land mass are
2 located spectacular, unique, and nationally significant
3 marine environments, including seagrass meadows,
4 mangrove islands, and extensive living coral reefs.

5 (3) These marine environments support rich bio-
6 logical communities possessing extensive conservation,
7 recreational, commercial, ecological, historical, re-
8 search, educational, and esthetic values which give this
9 area special national significance.

10 (4) These environments are the marine equivalent
11 of tropical rain forests in that they support high levels
12 of biological diversity, are fragile and easily susceptible
13 to damage from human activities, and possess high
14 value to human beings if properly conserved.

15 (5) These marine environments are subject to
16 damage and loss of their ecological integrity from a va-
17 riety of sources of disturbance.

18 (6) Vessel groundings along the reefs of the Flori-
19 da Keys represent one of many serious threats to the
20 continued vitality of the marine environments of the
21 Florida Keys which must be addressed in order to pro-
22 tect their values.

23 (7) Action is necessary to provide comprehensive
24 protection for these marine environments by establish-
25 ing a Florida Keys National Marine Sanctuary, by re-

1 stricting vessel traffic within such Sanctuary, and by
2 requiring promulgation of a management plan and reg-
3 ulations to protect sanctuary resources.

4 (8) The agencies of the United States must coop-
5 erate fully to achieve the necessary protection of sanc-
6 tuary resources.

7 (9) The Federal Government and the State of
8 Florida should jointly develop and implement a com-
9 prehensive program to reduce pollution in the waters
10 offshore the Florida Keys to protect and restore the
11 water quality, coral reefs, and other living marine re-
12 sources of the Florida Keys environment.

13 POLICY AND PURPOSE

14 SEC. 3. (a) POLICY.—It is the policy of the United
15 States to protect and preserve living and other resources of
16 the Florida Keys marine environment.

17 (b) PURPOSE.—The purpose of this Act is to protect the
18 resources of the area described in section 5(b), to educate and
19 interpret for the public regarding the Florida Keys marine
20 environment, and to manage such human uses of the Sanctu-
21 ary consistent with this Act. Nothing in this Act is intended
22 to restrict activities that do not cause an adverse effect to the
23 resources or property of the Sanctuary or that do not pose
24 harm to users of the Sanctuary.

DEFINITION

1

2 SEC. 4. As used in this Act, the term “adverse effect”
3 means any factor, force, or action that would independently
4 or cumulatively damage, diminish, degrade, impair, destroy,
5 or otherwise harm—

6 (1) any sanctuary resource, as defined in section
7 302(8) of the Marine Protection, Research, and Sanc-
8 tuaries Act of 1972 (16 U.S.C. 1432(8)); or

9 (2) any of those qualities, values, or purposes for
10 which the Sanctuary is designated.

11

SANCTUARY DESIGNATION

12 SEC. 5. (a) DESIGNATION.—The area described in sub-
13 section (b) is designated as the Florida Keys National Marine
14 Sanctuary (in this Act referred to as the “Sanctuary”) under
15 title III of the Marine Protection, Research, and Sanctuaries
16 Act of 1972 (16 U.S.C. 1431 et seq.). The Sanctuary shall
17 be managed and regulations enforced under all applicable
18 provisions of such title III as if the Sanctuary had been des-
19 ignated under such title.

20 (b) AREA INCLUDED.—(1) Subject to subsections (c) and
21 (d), the area referred to in subsection (a) consists of all sub-
22 merged lands and waters, including living marine and other
23 resources within and on those lands and waters, from the
24 mean high water mark to the boundary described under para-
25 graph (2), with the exception of areas within the Fort Jeffer-
26 son National Monument. The Sanctuary shall be generally

1 identified and depicted on National Oceanic and Atmospheric
2 Administration charts FKNMS 1 and 2, which shall be main-
3 tained on file and kept available for public examination
4 during regular business hours at the Office of Ocean and
5 Coastal Resource Management of the National Oceanic and
6 Atmospheric Administration and which shall be updated to
7 reflect boundary modifications under this section.

8 (2) The boundary referred to in paragraph (1)—

9 (A) begins at the northeasternmost point of Bis-
10 cayne National Park located at approximately 25 de-
11 grees 39 minutes north latitude, 80 degrees 5 minutes
12 west longitude, then runs eastward to the 300-foot iso-
13 bath located at approximately 25 degrees 39 minutes
14 north latitude, 80 degrees 4 minutes west longitude;

15 (B) then runs southward and connects in succes-
16 sion the points at the following coordinates:

17 (i) 25 degrees 34 minutes north latitude, 80
18 degrees 4 minutes west longitude,

19 (ii) 25 degrees 28 minutes north latitude, 80
20 degrees 5 minutes west longitude, and

21 (iii) 25 degrees 21 minutes north latitude, 80
22 degrees 7 minutes west longitude;

23 (C) then runs southward to the northeastern
24 corner of the existing Key Largo National Marine

1 Sanctuary located at 25 degrees 16 minutes north lati-
2 tude, 80 degrees 8 minutes west longitude;

3 (D) then runs southwesterly approximating the
4 300-foot isobath and connects in succession the points
5 at the following coordinates:

6 (i) 25 degrees 7 minutes north latitude, 80
7 degrees 13 minutes west longitude,

8 (ii) 24 degrees 57 minutes north latitude, 80
9 degrees 21 minutes west longitude,

10 (iii) 24 degrees 39 minutes north latitude, 80
11 degrees 52 minutes west longitude,

12 (iv) 24 degrees 30 minutes north latitude, 81
13 degrees 23 minutes west longitude,

14 (v) 24 degrees 25 minutes north latitude, 81
15 degrees 50 minutes west longitude,

16 (vi) 24 degrees 22 minutes north latitude, 82
17 degrees 48 minutes west longitude,

18 (vii) 24 degrees 37 minutes north latitude,
19 83 degrees 6 minutes west longitude,

20 (viii) 24 degrees 40 minutes north latitude,
21 83 degrees 6 minutes west longitude,

22 (ix) 24 degrees 46 minutes north latitude, 82
23 degrees 54 minutes west longitude,

24 (x) 24 degrees 44 minutes north latitude, 81
25 degrees 55 minutes west longitude,

1 (xi) 24 degrees 51 minutes north latitude, 81
2 degrees 26 minutes west longitude, and

3 (xii) 24 degrees 55 minutes north latitude,
4 80 degrees 56 minutes west longitude;

5 (E) then follows the boundary of Everglades Na-
6 tional Park in a southerly then northeasterly direction
7 through Florida Bay, Buttonwood Sound, Tarpon
8 Basin, and Blackwater Sound;

9 (F) after Division Point, then departs from the
10 boundary of Everglades National Park and follows the
11 western shoreline of Manatee Bay, Barnes Sound, and
12 Card Sound;

13 (G) then follows the southern boundary of Bis-
14 cayne National Park and the northern boundary of Key
15 Largo National Marine Sanctuary to the southeastern-
16 most point of Biscayne National Park; and

17 (H) then follows the eastern boundary of the Bis-
18 cayne National Park to the beginning point specified in
19 subparagraph (A).

20 (c) AREAS WITHIN STATE OF FLORIDA.—The desig-
21 nation under subsection (a) shall not take effect for any area
22 located within the waters of the State of Florida if, not later
23 than 45 days after the date of enactment of this Act, the
24 Governor of the State of Florida objects in writing to the
25 Secretary of Commerce.

1 (d) BOUNDARY MODIFICATIONS.—No later than the is-
2 suance of the draft environmental impact statement for the
3 Sanctuary under section 304(a)(1)(C)(vii) of the Marine Pro-
4 tection, Research, and Sanctuaries Act of 1972 (16 U.S.C.
5 1434(a)(1)(C)(vii)), in consultation with the Governor of the
6 State of Florida, if appropriate, the Secretary of Commerce
7 may make minor modifications to the boundaries of the Sanc-
8 tuary as necessary to properly protect Sanctuary resources.
9 The Secretary of Commerce shall submit to the Committee
10 on Commerce, Science, and Transportation of the Senate and
11 the Committee on Merchant Marine and Fisheries of the
12 House of Representatives a written notification of such modi-
13 fications. Any boundary modification made under this subsec-
14 tion shall be reflected on the charts referred to in subsection
15 (b)(1).

16 PROHIBITION OF CERTAIN USES

17 SEC. 6 (a) VESSEL TRAFFIC.—(1) Consistent with gen-
18 erally recognized principles of international law, a person
19 may not operate a tank vessel (as that term is defined in
20 section 2101 of title 46, United States Code) or a vessel
21 greater than 50 meters in length in the Area To Be Avoided
22 described in the Federal Register notice of May 9, 1990 (55
23 Fed. Reg. 19418–19419).

24 (2) The prohibition in paragraph (1) shall not apply to
25 necessary operations of public vessels. For the purposes of
26 this paragraph, necessary operations of public vessels shall

1 include operations essential for national defense, law enforce-
2 ment, and responses to emergencies that threaten life, prop-
3 erty, or the environment.

4 (3) The provisions of paragraphs (1) and (2), including
5 the area in which vessel operations are prohibited under
6 paragraph (1), may be modified by regulations issued jointly
7 by the Secretary of the department in which the Coast Guard
8 is operating and the Secretary of Commerce.

9 (4) This subsection shall be effective on the earliest of
10 the following:

11 (A) the date that is six months after the date of
12 enactment of this Act,

13 (B) the date of publication of a notice to mariners
14 consistent with this section, or

15 (C) the date of publication of new nautical charts
16 consistent with this section.

17 (b) MINERAL AND HYDROCARBON LEASING, EXPLO-
18 RATION, DEVELOPMENT, AND PRODUCTION.—No leasing,
19 exploration, development, or production of minerals or hydro-
20 carbons shall be permitted within the Sanctuary.

21 COMPREHENSIVE MANAGEMENT PLAN

22 SEC. 7 (a) PREPARATION OF PLAN.—The Secretary of
23 Commerce, in consultation with appropriate Federal, State,
24 and local government authorities and with the Advisory
25 Council established under section 208, shall develop a com-
26 prehensive management plan and implementing regulations

1 to achieve the policy and purpose of this Act. The Secretary
2 of Commerce shall complete such comprehensive manage-
3 ment plan and final regulations for the Sanctuary not later
4 than 30 months after the date of enactment of this Act. In
5 developing the plan and regulations, the Secretary of Com-
6 merce shall follow the procedures specified in sections 303
7 and 304 of the Marine Protection, Research, and Sanctuaries
8 Act of 1972 (16 U.S.C. 1433 and 1434), except those proce-
9 dures requiring the delineation of Sanctuary boundaries and
10 development of a resource assessment report. Such compre-
11 hensive management plan shall—

12 (1) facilitate all public and private uses of the
13 Sanctuary consistent with the primary objective of
14 Sanctuary resource protection;

15 (2) consider temporal and geographical zoning, to
16 ensure protection of sanctuary resources;

17 (3) incorporate regulations necessary to enforce
18 the elements of the comprehensive water quality pro-
19 tection program developed under section 8 unless the
20 Secretary of Commerce determines that such program
21 does not meet the purpose for which the Sanctuary is
22 designated or is otherwise inconsistent or incompatible
23 with the comprehensive management plan developed
24 under this section;

1 (4) identify needs for research and establish a
2 long-term ecological monitoring program;

3 (5) identify alternative sources of funding needed
4 to fully implement the plan's provisions and supple-
5 ment appropriations under section 9 of this Act and
6 section 313 of the Marine Protection, Research, and
7 Sanctuaries Act of 1972 (16 U.S.C. 1444).

8 (6) ensure coordination and cooperation between
9 Sanctuary managers and other Federal, State, and
10 local authorities with jurisdiction within or adjacent to
11 the Sanctuary;

12 (7) promote education, among users of the Sanctu-
13 ary, about coral reef conservation and navigational
14 safety; and

15 (8) incorporate the existing Looe Key and Key
16 Largo National Marine Sanctuaries into the Florida
17 Keys National Marine Sanctuary except the Looe Key
18 and Key Largo Sanctuaries shall continue to be oper-
19 ated until completion of the comprehensive manage-
20 ment plan for the Florida Keys Sanctuary.

21 (b) PUBLIC PARTICIPATION.—The Secretary of Com-
22 merce shall provide for participation by the general public in
23 development of the comprehensive management plan.

24 (c) TERMINATION OF STUDIES.—On the date of enact-
25 ment of this Act, all congressionally mandated studies of ex-

1 isting areas in the Florida Keys for designation as National
2 Marine Sanctuaries shall be terminated.

3 FLORIDA KEYS WATER QUALITY

4 SEC. 8. (a) WATER QUALITY PROTECTION PRO-
5 GRAM.—(1) Not later than 18 months after the date of enact-
6 ment of this Act, the Administrator of the Environmental
7 Protection Agency and the Governor of the State of Florida,
8 in consultation with the Secretary of Commerce, shall devel-
9 op a comprehensive water quality protection program for the
10 Sanctuary. If the Secretary of Commerce determines that
11 such comprehensive water quality protection program does
12 not meet the purpose for which the Sanctuary is designated
13 or is otherwise inconsistent or incompatible with the compre-
14 hensive management plan prepared under section 7, such
15 water quality program shall not be included in the compre-
16 hensive management plan. The purposes of such water qual-
17 ity program shall be to—

18 (A) recommend priority corrective actions and
19 compliance schedules addressing point and nonpoint
20 sources of pollution to restore and maintain the chemi-
21 cal, physical, and biological integrity of the Sanctuary,
22 including restoration and maintenance of a balanced,
23 indigenous population of corals, shellfish, fish and wild-
24 life, and recreational activities in and on the water;
25 and

1 (B) assign responsibilities for the implementation
2 of the program among the Governor, the Secretary of
3 Commerce, and the Administrator in accordance with
4 applicable Federal and State laws.

5 (2) The program required by paragraph (1) shall, under
6 applicable Federal and State laws, provide for measures to
7 achieve the purposes described under paragraph (1), includ-
8 ing—

9 (A) adoption or revision, under applicable Federal
10 and State laws, by the State and the Administrator of
11 applicable water quality standards for the Sanctuary,
12 based on water quality criteria which may utilize bio-
13 logical monitoring or assessment methods, to assure
14 protection and restoration of the water quality, coral
15 reefs, and other living marine resources of the Sanctu-
16 ary;

17 (B) adoption under applicable Federal and State
18 laws of enforceable pollution control measures (includ-
19 ing water quality-based effluent limitations and best
20 management practices) and methods to eliminate or
21 reduce pollution from point and nonpoint sources;

22 (C) establishment of a comprehensive water qual-
23 ity monitoring program to (i) determine the sources of
24 pollution causing or contributing to existing or antici-
25 pated pollution problems in the Sanctuary, (ii) evaluate

1 the effectiveness of efforts to reduce or eliminate those
2 sources of pollution, and (iii) evaluate progress toward
3 achieving and maintaining water quality standards and
4 toward protecting and restoring the coral reefs and
5 other living marine resources of the Sanctuary;

6 (D) provision of adequate opportunity for public
7 participation in all aspects of developing and imple-
8 menting the program; and

9 (E) identification of funding for implementation of
10 the program, including appropriate Federal and State
11 cost sharing arrangements.

12 (b) COMPLIANCE AND ENFORCEMENT.—The Adminis-
13 trator of the Environmental Protection Agency, the Secre-
14 tary of Commerce, and the Governor of the State of Florida
15 shall ensure compliance with the program required by this
16 section, consistent with applicable Federal and State laws.

17 (c) CONSULTATION.—In the development and imple-
18 mentation of the program required by paragraph (1), appro-
19 priate State and local government officials shall be consulted.

20 ADVISORY COUNCIL

21 SEC. 9. (a) ESTABLISHMENT.—The Secretary of Com-
22 merce, in consultation with the Governor of the State of
23 Florida and the Board of County Commissioners of Monroe
24 County, Florida, shall establish an Advisory Council to assist
25 the Secretary in the development and implementation of the
26 comprehensive management plan for the Sanctuary.

1 (b) MEMBERSHIP.—Members of the Advisory Council
2 may be appointed from among (1) Sanctuary managers, (2)
3 members of other government agencies with overlapping
4 management responsibilities for the Florida Keys marine en-
5 vironment, and (3) representatives of local industries, com-
6 mercial users, conservation groups, the marine scientific and
7 educational community, recreational user groups, or the gen-
8 eral public.

9 (c) EXPENSES.—Members of the Advisory Council shall
10 not be paid coopensation for their service as members and
11 shall not be reimbursed for actual and necessary traveling
12 and subsistence expenses incurred by them in the perform-
13 ance of their duties as such members.

14 (d) ADMINISTRATION.—The Advisory Council shall
15 elect a chairperson and may establish subcommittees, and
16 adopt by-laws, rules, and such other administrative require-
17 ments and procedures as are necessary for the administration
18 of its functions.

19 (e) STAFFING AND OTHER ASSISTANCE.—The Secre-
20 tary of Commerce shall make available to the Advisory
21 Council such staff, information, and administrative services
22 and assistance as the Secretary of Commerce determines are
23 reasonably required to enable the Advisory Council to carry
24 out its functions.

1 AUTHORIZATION OF APPROPRIATIONS

2 SEC. 9. (a) AUTHORIZATION FOR SECRETARY OF COM-
3 MERCE.—Section 313(2)(C) of the Marine Protection, Re-
4 search, and Sanctuaries Act of 1972 (16 U.S.C. 1444(2)(C))
5 is amended by striking “\$3,000,000” and inserting in lieu
6 thereof “\$4,000,000”.

7 (b) AUTHORIZATION FOR EPA ADMINISTRATOR.—
8 There are authorized to be appropriated to the Administrator
9 of the Environmental Protection Agency \$750,000 for each
10 of the fiscal years 1991 and 1992.

11 (c) REPORT.—The Secretary of Commerce shall, not
12 later than March 1, 1991, submit to the Committee on Com-
13 merce, Science, and Transportation of the Senate and the
14 Committee on Merchant Marine and Fisheries of the House
15 of Representatives a report on the future requirements for
16 funding the Sanctuary through fiscal year 1999 under title
17 III of the Marine Protection, Research, and Sanctuaries Act
18 of 1972 (16 U.S.C. 14321 et seq.).

